

STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

Minutes  
468th Regular Board Meeting  
11020 Sun Center Drive, #200  
Rancho Cordova, CA 95670

**THURSDAY - 17 MARCH 2005 – 1:00 P.M.**

**BOARD MEMBERS PRESENT**

Robert Schneider, Chair, Karl Longley, Vice Chair, Alson Brizard, Lucille Palmer-Byrd, Christopher Cabaldon, Members.

**STAFF PRESENT**

Tom Pinkos, Ken Landau, Frances McChesney, David Coupe, Janice Tanaka, Dave Carlson, Richard McHenry, Melissa Hall, and Beth Thayer. .

**OTHERS PRESENT**

Charles, Clark, Community of Ophir  
Gary Masters, Community of Ophir  
Rick Johnson, Community of Ophir  
Bill Jennings, DeltaKeeper  
Addie Jacobsen, Ebbetts Pass Forest Watch  
Jim Liddiard, Western Aggregates  
Penny Alexander-Kelley, Meridian Beartrack  
Barry Bolton, Ebbetts Pass Forest Watch  
Brigit Barries, Chevreux Aggregates  
Jenny Skrel, City of Lathrop  
Roberta Larson, Somach, Simmons & Dunn  
Steve Case, ConAgra  
Greg Gibson, City of Lathrop

Robert Emerick, Eco: Logic Engineering  
Stephen Schuster, Schuster Homes  
Cary Keaton, City of Lathrop  
John Purvis, Teichert Construction  
Jim Durfee, Placer County  
David Zweig, AES  
David Powell, EID  
Ronald Rawson, John A. Branagh et.al.  
George Harris, HydroScience Engineers  
William Slenter, HydroScience Engineers  
Michael Bryan, Robertson-Bryan Inc.

**PUBLIC FORUM**

Penny Alexander, Meridian Beartrack. Ms. Alexander summarized recent correspondence and meetings between Meridian and Board staff regarding the RMK mine, concluding that Meridian had not yet received a written response on the closure plans and that time was critical if closure construction was to be completed this summer. She requested staff consultation on 401 Certification issues and consideration of appropriate permits on the April Board agenda. Tom Pinkos explained this matter would not be ready for the April Board meeting. Chairman Schneider requested a status report on the issue.

Barry Bolton, Ebbetts Pass Forest Watch. Mr. Bolton reviewed timber harvesting in the forest since 1999, showing significant percentages of the forest had been clear-cut. Mr. Bolton used a PowerPoint presentation on a CD, which was provided to staff. Mr. Bolton requested that waivers need to impose more stringent standards for clear-cut operations.

Addie Jacobsen, Ebbetts Pass Forest Watch. Ms. Jacobsen stated that in timber harvest plan reviews the Board must remember that most timber cutting is done by a single company with even-age management; that the Department of Forestry and the Legislature are looking at 10+ year harvest plans, so the Board needs to look at wider geographic areas and greater lengths of time than done in the current parcel-by-

parcel reviews; and that the Board needs to become involved in legislation and begin tackling cumulative impact issues.

Bill Jennings, DeltaKeeper, et al. Mr. Jennings made the following points:

- RMK is a point source discharge and could receive a 60-day notice in the near future.
- A pontoon boat has been ordered and a curriculum is being developed using the SEP funds from settlement of the DVI ACL. The program should be fully operational by the end of April. (Chairman Schneider requested a report on the project after it is operating.)
- The timber harvest plan CEQA lawsuit oral arguments begin Friday.
- SB 646 would limit waivers for discharges to 303(d) water bodies.
- 60-day letters were sent to several dischargers focusing more on permit non-compliance than not having permits.
- The General Industrial Stormwater permit being drafted may contain numeric effluent limits.
- The recent Federal Second Circuit Court ruling on the USEPA CAFO Permit will significantly impact CAFO and stormwater permits.
- The Department of Fish and Game 2003 Delta fish survey shows continuing precipitous decline of several fish species. The only thing that has increased in the Delta is diversions.

## **OTHER BUSINESS**

The January 29/30 2005 minutes were approved as written.

## **UNCONTESTED CALENDAR**

### **ENFORCEMENT**

#### **Pacific Coast Sprout Farms Inc., Sacramento Facility, Sacramento County – *Consideration of NPDES Permit Renewal and Time Schedule Order***

A public hearing was held. No one appeared to contest the proposed orders.

**R5-2005-0034 & R5-2005-0035** MOTION: By Mr. Brizard, seconded by Mr. Longley to approve the proposed orders. Unanimously approved.

#### **Hunt Wesson Inc., Conaway Ranch, and Heidrick Farms, Yolo County – *Consideration of Rescinding Cease and Desist Order***

A public hearing was held. No one appeared to contest the proposed order.

**R5-2005-0036** MOTION: By Mr. Cabaldon, seconded by Mr. Longley to approve the proposed order. Unanimously approved by role call vote.

#### **Shasta County Service Area No. 17, Cottonwood Wastewater Treatment Plant, Shasta County - *Consideration of NPDES Renewal and Cease and Desist Order***

A public hearing was held. No one appeared to contest the proposed order.

**R5-2005-0037** MOTION: By Mr. Longley, seconded by Mrs. Palmer-Byrd to approve the proposed NPDES Permit. Unanimously approved.

**R5-2005-0038** MOTION: By Mr. Longley, seconded by Mr. Cabaldon to approve the proposed Cease and Desist order. Unanimously approved by role call vote.

## **NPDES ORDERS**

### **Uncontested NPDES Permits**

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|---------------------|--|
| <b>R5-2005-0039</b> | a. Oildale Energy LLC, Oildale Cogeneration Facility, Kern County  |
| <b>R5-2005-0040</b> | b. City of Lincoln, Master Reclamation Permit, Placer County   |
| <b>R5-2005-0041</b> | c. Procter & Gamble Manufacturing Company, Sacramento County   |
| <b>R5-2005-0042</b> | d. The Boeing Company, Southern Groundwater Study Area Extraction and Treatment System, Inactive Rancho Cordova Test Site, Sacramento County |

A public hearing was held. No one appeared to contest the proposed orders.

MOTION: By Mr. Longley, seconded by Mr. Cabaldon to approve the proposed permits with late revisions to Item 12.a. Unanimously approved.

## **WASTE DISCHARGE REQUIREMENTS**

### **Uncontested Change of Name and/or Ownership**

- a. American Energy Operations, Inc., UDF Lease, South Belridge Oil Field, Kern County
- b. Shasta Acquisition, Inc., dba Plainwell Paper Shasta Paper Company, Twin Bridges Landfill, Shasta County
- c. Angels Camp RV and Camping Resort, M & T Ward Rentals, Calaveras County
- d. Biosolids Recycling, Inc., Joseph and Connie Jess, and Paul and Sally Marciel, Jess and Marciel Ranches, Alameda County
- e. Aerojet-General Corporation, Sacramento County,
- f. Berry Petroleum Co., USL Lease, Poso Creek Oil Field, Kern County
- g. Sonora Estates LLC, Tuolumne County

A public hearing was held. No one appeared to contest the proposed orders.

**R5-2005-0043** MOTION: By Mr. Longley, seconded by Mrs. Palmer-Byrd to approve the proposed orders. Unanimously approved.

### **Uncontested Rescissions**

- a. Calaveras Materials Inc., Blackstone Plant, Madera County
- b. West Hills Community College District, Recycling Project, Fresno County
- c. Sacramento Power Authority, Campbell Soup Cogeneration Facility, Sacramento County
- d. Enoch Packing Company, Raisin Packing Plant, Fresno County
- e. Ourique Manuel Dairy, Merced County
- f. Gotland Oil, Inc. and Bennett Petroleum, Bradford CD Lease, Semitropic Oil Field, Kern County
- g. Gotland Oil, Inc., Bradford B Lease, Semitropic Oil Field, Kern County
- h. Hunt Wesson Inc., Conaway Ranch, and Heidrick Farms, Yolo County
- i. Robinson-Grogg Partnership, James Road Unclassified Solid Waste Disposal Site, Kern County
- j. El Dorado Irrigation District, U.S. Forest Service, El Dorado National Forest El Dorado Canal, Mill Creek to Bull Creek Tunnel, El Dorado County

A public hearing was held. No one appeared to contest the proposed orders.

**R5-2005-0044** MOTION: By Mr. Longley, seconded by Mrs. Palmer-Byrd to approve the proposed orders. Unanimously approved.

## **Uncontested Waste Discharge Requirements**

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|---------------------|---|
| <b>R5-2005-0045</b> | a. City of Lathrop and Califia LLC, Wastewater Treatment Facility, San Joaquin County   |
| <b>R5-2005-0046</b> | b. George Reed Inc, Calaveras Transit Mix, Calaveras County   |
| <b>R5-2005-0047</b> | c. R&L Brosamer, Inc./Granite Construction Company (Joint Venture), Gold Run Temporary Batch Plant and Recycling Sites, Placer County                               |
| <b>R5-2005-0048</b> | d. City of Portola, For Corrective Action and Closure of Portola Class III Municipal Solid Waste Landfill, Plumas County  |
| <b>R5-2005-0049</b> | e. Conditional Waiver of Waste Discharge Requirements for City of Chico Park Department for Construction and Closure of Horseshoe Lake Parking Area E, Butte County |
| <b>R5-2005-0050</b> | f. Stephen J. Schuster and Sierra Moon Homeowners' Association, Wastewater Treatment Facility, Butte County   |

A public hearing was held. No one appeared to contest the proposed orders.

MOTION: By Mr. Longley, seconded by Mr. Cabaldon to approve the proposed orders with late revisions to Items 15 a, b and e. Unanimously approved.

## **CONTESTED CALENDAR**

### **ENFORCEMENT**

#### **El Dorado Irrigation District, Deer Creek Wastewater Treatment Plant, El Dorado County – *Consideration of Amendments to NPDES Permit and Cease and Desist Order***

A public hearing was held. Beth Thayer presented the staff report. David Powel and Dave Carlson gave additional testimony.

<b>R5-2005-0028</b>	MOTION: By Mr. Longley, seconded by Mr. Brizard to approve the amended NPDES Permit. Unanimously approved.
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<b>R5-2005-0029</b>	MOTION: By Mr. Longley, seconded by Mr. Brizard to approve the amended Cease and Desist Order. Unanimously approved by role call vote.
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#### **City of Auburn, Wastewater Treatment Plant, Placer County – *Consideration of NPDES Permit Renewal and Cease and Desist Order***

A public hearing was held. Melissa Hall presented the staff report. Charles Clark, Richard McHenry, Rick Johnson and Gary Master gave additional testimony.

<b>R5-2005-0030</b>	MOTION: By Mr. Cabaldon, seconded by Mr. Brizard to approve the proposed NPDES Permit with late revisions. Unanimously approved.
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<b>R5-2005-0031</b>	MOTION: By Mr. Cabaldon, seconded by Mr. Longley to approve the proposed Cease and Desist Order. Unanimously approved by role call vote.
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#### **Placer County Department of Facility Services, Placer County Sewer Maintenance District No. 1, Wastewater Treatment Plant, Placer County – *Consideration of NPDES Permit Renewal and Cease and Desist Order***

A public hearing was held. Richard McHenry presented the staff report. Jim Durfee, Bill Jennings, Dave Carlson and Michael Bryan gave additional testimony.

MOTION: By Mr. Longley, seconded by Mrs. Palmer-Byrd to table to proposed order. Approved with Mr. Brizard abstaining and Mr. Cabaldon voting no.

**United Auburn Indian Community, Auburn Rancheria Casino Wastewater Treatment Plant, Placer County – Consideration of NPDES Permit Revision and Cease and Desist Order**

Richard McHenry presented the staff report. George Harris, Ronald Rawson, and David Zweig gave additional testimony.

**R5-2005-0032** MOTION: By Mr. Longley, seconded by Mr. Brizard to approve the proposed NPDES Permit. Unanimously approved.

**R5-2005-0033** MOTION: By Mr. Cabaldon, seconded by Mr. Longley to approve the proposed Cease and Desist Order. Unanimously approved by role call vote.

The meeting was adjourned at 3:50 pm. to the Friday session.

**FRIDAY – 18 MARCH 2005 – 8:30 A.M.**

**BOARD MEMBERS PRESENT**

Robert Schneider, Chair, Karl Longley, Vice Chair, Alson Brizard, Lucille Palmer-Byrd, Christopher Cabaldon, Members.

**STAFF PRESENT**

Tom Pinkos, Ken Landau, Jack Del Conte, Frances McChesney, David Coupe, Janice Tanaka , Kelly Briggs, Patrick Morris, Rudy Schnagl, Betty Yee, Janis Cooke, and Amanda Smith.

**OTHERS PRESENT**

Tom Smythe, Lake County  
Vicki Murphy, Family Water Alliance  
Petrea Marchard, Yolo County  
Max Stevenson, Yolo County  
Ryan Bezerra, Yolo County  
Ed Yates, CA Food Processors  
Jim Eaton, Cache Creek Wild  
Vicki Fry, SRCSD  
Becky Wood, Teichert  
Michael Campos, Stoel Rives  
Peter Halpin, Caltest Analytical Lab  
John Sanders, DPR  
Jim Weigano, BLM  
Chris Bowman, Sacramento Bee  
Elaine Trevino, Mapes Ranch  
Katrina Smolen, Friends of Deer Creek  
Elissa Callman, City of Sacramento  
John Dunlap, Chevreux Aggregates  
Richard Davis, Wilbur Hot Springs  
Paul Sheldon, Stanislaus Food Products  
Greg Reller, Tetra Tech Inc.  
Tanya Bilezikjian, Caltrans  
Rocky Chase, Barrick Gold of North America  
Patrick Ritter, Environmental Resources Mgmt.

Sam Mogill, Assemblywoman Lois Wolk  
Stephen McLord, LWA  
Lara Sparks, Grassland Water District  
Rafael Ruano, Attorney General's Office  
John Meek, San Joaquin County  
Joe Aldridge, Valero Energy Corp.  
L. Denton Hoeh, Stanislaus County  
Tim Johnson, CA Rice Commission  
Roberta Firoved, CA Rice Commission  
Eric Tamichi, Valent USA Corp  
Charles Green, Valent USA Corp  
Aaron Ferguson, NCWA  
John Hewitt, CA Farm Bureau  
Donald Brown, HydroScience Operation Inc.  
Jane Vorpapel, Dept of Fish & Game  
Warren Tellefson, CV Clean Water Assoc.  
John Headlee, US Army Corp  
Tony Francois, CA Farm Bureau  
Robert Roscoe, Sacto Suburban Water District  
Mark O'Brien  
Eric Davis  
Greg Maxim  
Dave Pratt  
Chris Anaya

## **BOARD MEMBER COMMUNICATION**

Karl Longley attended:

- Upper Kings River Forum on 10 February and 10 March
- Fresno County Agriculture Commission meeting with Senator Denham on 18 February
- UC Extension Manure Management Workshop on 22 February
- Meeting with Summers Engineering regarding possible sampling by the Water Quality Institute on 28 February
- Regional Board Technical Issues Committee meeting on 2 March regarding sampling bottles and bioassessment.

Al Brizard attended an informational meeting with the California Department of Food and Agriculture and the Farm Bureau Federation on a number of agriculture topics.

Chairman Schneider attended a State Water Board meeting on Ag Waiver Fees, and spoke at a farm irrigation program regarding the Irrigated Lands program.

## **EXECUTIVE OFFICERS REPORT**

Tom Pinkos highlighted:

- Nicoletti Oil (Item # 7). The State Water Board is very interested in this site. Weekly updates are held with State Board member Katz. The cleanup is going smoothly.
- Brownfields Workshop (Item # 21). This was a very successful workshop. A public information display has been developed and is located in the front lobby.
- A Memorandum of Agreement between the State Water Board and DTSC has been signed on how to establish the lead agency for site cleanups.
- A Certification of Completion has been signed for one parcel of the Humboldt Road Burn Dump. The remaining 12 parcels should be cleaned up by December.
- In the Lodi PCE cleanup, a settlement has been reached with Busy Bee Cleaners providing \$475,000 toward cleanup actions.
- Senate Committee on Agriculture Hearing (Item # 35) that he and the Chairman attended.
- His meeting with Senator Florez regarding Kern County biosolids.

Chairman Schneider commented that:

- The new MOA with DTSC will help smooth out conflicts arising from differing focuses for the agencies
- The Senate Ag Committee hearings helped clarify the concerns of the industry
- The Busy Bee settlement is a major step forward in the Lodi cleanup.

Al Brizard attended the Stanislaus County food processing waste workshop and asked if there was anything we could do to avoid the term “waste.” Chairman Schneider suggested a staff memo to address the issue.

## **PUBLIC FORUM**

Ed Yates, California Food Processing and Production Coalition. The Coalition was formed in response to the Food Processing Agenda item Staff Report. Mr. Yates asked about the status of the Staff Report. Mr. Pinkos responded that there were various follow-up efforts regarding the agenda item. Ms. McChesney responded that the Staff Report was part of an information item and no Regional Board action on the Report was planned. Formal decisions on specific projects would be made through the WDR/waiver actions.

## **OTHER BUSINESS**

**Amendments to the Basin Plan for the Control of Mercury in Cache Creek, Bear Creek, Sulphur Creek, and Harley Gulch – *Workshop to Receive Comments***

A public meeting was held. Janis Cooke and Patrick Morris presented the staff report. Petrea Marchard, Max Stevenson, Vicki Murphy, Tom Smythe, Vicki Fry and Jim Eaton gave additional information. This was an information item. The Board took no action.

**Regional Board Enforcement and Communication Policies - *Information Item***

A public meeting was held. Kelly Briggs presented the staff report. Ed Yates, Aaron Ferguson, Chris Anaya and John Hewitt gave additional information. This was an information item. The Board took no action.

**Rice Pesticide Program, Management Practices for the 2005 Rice Season – *Consideration of Approval of 2005 Management Practices***

A public hearing was held. Amanda Smith presented the staff report. Tim Johnson gave additional testimony.

**R5-2005-0051**

MOTION: By Mr. Cabaldon, seconded by Mr. Longley to approve the proposed order. Unanimously approved.

**Triennial Review of the Water Quality Control Plan for the Central Valley Region, Sacramento and San Joaquin River Basins – *Workshop to Receive Comments***

A public meeting was held. Betty Yee presented the staff report. Warren Tellefson, Jane Vorpagel, Mark O'Brien, John Headlee, Robert Roscoe and Tony Francois gave additional information. This was a workshop to receive comments. The Board took no action.

**The Board met in closed session to discuss ongoing litigation.**

**The meeting was adjourned at 2:30 p.m. to the 28/29 April 2005 regular meeting.**